

1 TODD W. BURNS
2 California State Bar No. 194937
3 FEDERAL DEFENDERS OF SAN DIEGO, INC.
4 225 Broadway, Suite 900
5 San Diego, California 92101-5008
6 Telephone No. (619) 234-8467
7 Email: Todd_Burns@fd.org

5 | Attorneys for Mr. Cruz

10 UNITED STATES OF AMERICA,) Criminal No. 08CR1604-JLS
11 Plaintiff,) Date: June 20, 2008
12 v.) Time: 1:30 p.m.
13 DANIEL CRUZ-ESCOBAR,) NOTICE OF MOTIONS AND MOTIONS
14 Defendant.) TO DISCHARGE, SUPPRESS, AND DISMISS

16 PLEASE TAKE NOTICE that on Friday, June 20, 2008, Defendant Daniel Cruz-Escobar, by and
17 through counsel, Todd W. Burns and Federal Defenders of San Diego, Inc., will ask this Court to enter an
18 order to: (1) discharge Mr. Cruz, due to the government's failure to proceed with the preliminary hearing as
19 required by Federal Rule of Criminal Procedure 5.1 and 18 U.S.C. §3060; (2) suppress the fruits of the
20 unlawful search and seizure of Mr. Cruz; (3) dismiss because the indictment does not allege all elements of
21 the charged offense; (4) suppress Mr. Cruz's statements due to an invalid Miranda waiver; (5) dismiss because
22 the offense charged is an unconstitutional infringement on Mr. Cruz's Second Amendment right to bear arms;
23 and (6) compel discovery. These motions are based on the facts in this case, and all relevant law.

Respectfully submitted,

26 | Dated: June 6, 2008

/s/ TODD W. BURNS
TODD W. BURNS
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Cruz
Todd_Burns@fd.org